

1 BRANDON N. ADKINS  
2 U.S. Department of Justice  
3 Environmental Defense Section  
4 P.O. Box 7611  
5 Washington, D.C. 20044  
6 Tel: (202) 616-9174  
7 Fax: (202) 514-8865  
8 Email: brandon.adkins@usdoj.gov

9 *Counsel for Defendant*

10 *Additional counsel listed in signature page*

11  
12 **UNITED STATES DISTRICT COURT**  
13 **NORTHERN DISTRICT OF CALIFORNIA**  
14 **SAN FRANCISCO DIVISION**

15 CENTER FOR BIOLOGICAL DIVERSITY  
16 and SIERRA CLUB,

17 Plaintiffs,

18 v.

19 ANDREW R. WHEELER, in his official  
20 capacity as Administrator, United States  
21 Environmental Protection Agency,

22 Defendant.

Case No. 3:19-cv-02462 RS

**STIPULATION AND ~~[PROPOSED]~~**  
**ORDER REGARDING SUMMARY**  
**JUDGMENT BRIEFING SCHEDULE**

Date: December 19, 2019

Time: 1:30 p.m.

Location: Courtroom 3, 17th Floor

1 Plaintiffs and Defendant Andrew R. Wheeler, in his official capacity as Administrator of  
2 the United States Environmental Protection Agency ("EPA," and together, "the Parties"), stipulate  
3 as follows:

4 WHEREAS, on September 12, 2019, following an initial case management conference, the  
5 Court issued an Initial Case Management Order (ECF No. 24), which set a hearing on motion(s)  
6 for summary judgment on December 19, 2019, at 1:30 p.m.

7 WHEREAS, the Initial Case Management Order required that all briefing on summary  
8 judgment motions be completed by December 5, 2019, and invited the Parties to stipulate to  
9 additional briefing deadlines to the extent those deadlines do not conflict with the deadlines set in  
10 the Order.

11 WHEREAS, Plaintiffs anticipate filing a motion for summary judgment, and EPA may file  
12 a cross-motion for summary judgment together with any opposition to Plaintiffs' motion for  
13 summary judgment.

14 WHEREAS, counsel for the Parties have met and conferred and reached agreement  
15 regarding additional briefing deadlines.

16 **NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and among  
17 the Parties, that motions for summary judgment will be filed according to the following deadlines:

- 18 1. Plaintiffs' Motion for Summary Judgment shall be filed by **September 19, 2019**;
- 19 2. EPA's Opposition to Plaintiffs' Motion for Summary Judgment and, if appropriate,  
20 Cross-Motion for Summary Judgment shall be filed by **November 4, 2019**;
- 21 3. Plaintiffs' Reply in Support of Plaintiffs' Motion for Summary Judgment and, if  
22 appropriate, Opposition to EPA's Cross-Motion for Summary Judgment shall be filed by  
23 **November 22, 2019**; and

4. EPA's Reply in Support of EPA's Cross-Motion for Summary Judgment, if appropriate, shall be filed by **December 5, 2019**.

Dated: September 17, 2019

Respectfully Submitted,

/s/ Brandon N. Adkins

Brandon N. Adkins  
United States Department of Justice  
Environment & Natural Resources Division  
P.O. Box 7611  
Washington, D.C. 20044  
Tel: (202) 616-9174  
Fax: (202) 514-8865  
Email: brandon.adkins@usdoj.gov

*Counsel for Defendant*

Dated: September 17, 2019

/s/ Seth L. Johnson (with permission)

Seth L. Johnson, *Pro Hac Vice*  
Isabel Segarra Trevino, *Pro Hac Vice*  
Earthjustice  
1625 Massachusetts Ave., NW, Ste. 702  
Washington, DC 20036  
sjohnson@earthjustice.org  
isegarra@earthjustice.org  
Tel: 202-667-4500/Fax: 202-667-2356

Paul R. Cort, State Bar No. 184336  
Earthjustice  
50 California Street  
San Francisco, CA 94111  
pcort@earthjustice.org  
Tel: 415-217-2000/Fax: 415-217-2040

*Counsel for Plaintiffs*

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**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

DATED this 17<sup>th</sup> day of September, 2019.



RICHARD SEEBORG  
United States District Judge